

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CT-
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2009
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

VS.

NO. 7:09-CR-8-001 (WLS)

DWAIN D. WILLIAMS

Defendant

VIOLATION(S): 18 USC § 32261(a)(1);
18 USC § 2241(c) and 18 USC § 2244(a)(5)

**NOTICE OF ESTIMATED SENTENCING GUIDELINE RANGE, DETENTION
REQUIREMENT OF 18 U.S.C. § 3143, AND ACKNOWLEDGMENT OF DEFENDANT**

TO: DWAIN D. WILLIAMS, Defendant

You are hereby notified that since the offense(s) charged in the above-captioned criminal proceeding is alleged to have occurred on or after **November 1, 1987**, the SENTENCING GUIDELINES set forth under the *Sentencing Reform Act of 1984* **MAY** be considered by the sentencing judge should you plead guilty or be found guilty of the offense(s) charged after a trial. The guidelines are computed on the basis of your criminal history and the facts of the case as determined by the trier of fact. A sentence range is established within which the sentencing judge MAY pronounce sentence. However, these guidelines are **ADVISORY** only.

Based upon information furnished to the U. S. Probation Office by the United States Attorney, the **ESTIMATED** guideline range in this case is

360 MONTHS TO Life MONTHS TO BE SERVED IN PRISON

NOTE: U.S.S.G. § 5G1.1 PROVIDES THAT: (A) WHERE THE STATUTORILY AUTHORIZED MAXIMUM SENTENCE IS LESS THAN THE MINIMUM OF THE APPLICABLE GUIDELINE RANGE, THE STATUTORILY AUTHORIZED MAXIMUM SENTENCE SHALL BE THE GUIDELINE SENTENCE; AND, (B) WHERE A STATUTORILY REQUIRED MINIMUM SENTENCE IS GREATER THAN THE MAXIMUM OF THE APPLICABLE GUIDELINE RANGE, THE STATUTORILY REQUIRED MINIMUM SENTENCE SHALL BE THE GUIDELINE SENTENCE.

This **ESTIMATED** guideline range is based solely on facts that are **PRELIMINARY** in nature. Upon the completion of a presentence investigation (after a plea of guilty or a finding of guilty after trial), **THE GUIDELINE RANGE COULD CHANGE**, based upon additional or different information coming to the attention of the court; that is, the range could increase or decrease.

Among the factors considered in making both the preliminary and final guideline range determination are the nature of the offense(s) charged, role of the defendant in committing said offense(s), impact on any victim(s), obstruction of justice, role in planning said offense(s), other appropriate relevant conduct, the amount of any loss, the amount of illegal drugs involved (if applicable), the use of any weapon (if applicable), and the defendant's criminal history, if any. **Factors not considered in determining the preliminary guideline range are your possible ACCEPTANCE OF RESPONSIBILITY and TIMELY GUILTY PLEA. If you accept responsibility and plead guilty in a timely manner, the court may reduce your guideline sentence range. IN ANY EVENT, YOU SHOULD UNDERSTAND THAT THE GUIDELINE SENTENCING RANGE IS ADVISORY ONLY AND MAY OR MAY NOT BE USED BY THE SENTENCING JUDGE IN IMPOSING A SENTENCE UPON PLEA OR CONVICTION.**

Dated this 5th day of August, 2009.

Jeffrey M. Ross

U.S. Probation Officer

ACKNOWLEDGMENT

I/we hereby acknowledge that the within and foregoing information has this day been disclosed to me/us and that I/we understand that the guideline range is an ESTIMATE ONLY based upon PRELIMINARY facts of the case. I/we further understand that said guidelines are SUBJECT TO CHANGE if additional or different information is later determined to be applicable to this case and that they are ADVISORY ONLY. I/we also understand and acknowledge that if credit for acceptance of responsibility is to be given to me by the sentencing judge, a TIMELY plea of guilty must be made.

IN ADDITION, I/we acknowledge that I/we have been advised by the court that under provisions of 18 U.S.C. § 3143, if the defendant hereafter enters a plea of guilty or is found guilty of a crime of violence, an offense for which the maximum sentence is life imprisonment or death, or an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.), or the Maritime Drug Enforcement Act (46 U.S.C. App. 1901 et seq.), the sentencing judge will order his/her IMMEDIATE DETENTION at the time of accepting the plea of guilty or receiving a verdict of guilty unless he finds the defendant meets the requirements of 18 U.S.C. § 3143(a)(2)(A) and (B).

Dated this 11th day of Aug, 2009.

Deborah M. Wills
Attorney for Defendant

Gwain Lillian
Defendant